

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANDRE R. KIRK,

Petitioner,

v.

MYLES STRID,

Respondent.

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No. 2:24-cv-13-JSD

MEMORANDUM AND ORDER OF TRANSFER

Petitioner, a convicted state prisoner currently confined at the Moberly Correctional Center in Moberly, Missouri, has filed a pro se Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus. Petitioner challenges a judgment of conviction entered by the Circuit Court of Polk County, Missouri.

The Circuit Court of Polk County is located in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(5). The Moberly Correctional Center is located in the Eastern District of Missouri. 28 U.S.C. § 105(a)(2). This United States District Court and the United States District Court for the Western District of Missouri have concurrent jurisdiction to hear this case. *See* 28 U.S.C. § 2241(d). In this circumstance, this Court may, in the exercise of its discretion and in the furtherance of justice, transfer the case to the United States District Court for the Western District of Missouri for hearing and determination. *See id.* Additionally, 28 U.S.C. § 1404(a) provides that a district court, for the convenience of the parties and witnesses and in the interest of justice, may transfer any civil action to any other district or division where it might have been brought.

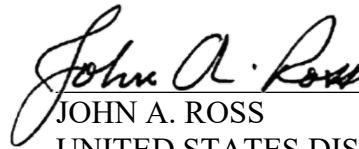
Transfer of this action is appropriate because Petitioner challenges a judgment of conviction entered in a circuit court located within the Western District of Missouri, the relevant records are located there, and if hearings are required, the Western District of Missouri would be more convenient for witnesses. Additionally, the Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising from a proceeding in the Western District of Missouri should be transferred to that district. *In re Business of the Court*, January 27, 1986. The Court will therefore order that this case be transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that Petitioner is granted provisional leave to proceed in forma pauperis, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri.

Dated this 7th day of February, 2023.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE